

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(s):	Koskinen	CONF. NO.:	1830
SERIAL NO.:	09/892,035	ART UNIT:	2614
FILING DATE:	06/26/2001	EXAMINER:	Elahee, MD S.
TITLE:	ELECTRONIC SYSTEM		
ATTORNEY			
DOCKET NO.:	442-010440-US (PAR)		

Mail Stop AF
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

This Request is being filed concurrently with a Notice of Appeal. Attention is directed to the following errors in the rejection.

1. Wynblatt and Minneman fail to disclose the claimed invention so that even if they are combined, the result is not the claimed invention.
2. Emilsson fails to disclose the claimed invention so even if it is combined with Wynblatt and Minneman, the result is not the claimed invention.
3. Coad fails to disclose the claimed invention so even if it is combined with Wynblatt and Minneman, the result is not the claimed invention.
4. Kailamaki fails to disclose the claimed invention so even if it is combined with Wynblatt and Minneman the result is not the claimed invention.

It is noted that the Amendment After Final Rejection filed May 30, 2007 was entered. It is therefore assumed that the rejection of claims 1, 12-14 and 16-29 under 35 U.S.C. 112, second paragraph, has been overcome.

Claims 1, 12-13, 16-20, 22, 24-30, 40-41, 44-48, 50 and 52-58 are not unpatentable under 35 U.S.C. 103(a) over Wynblatt in view of Minneman.

The independent claims recite the feature of a first electronic device transmitting a virtual noticeboard within a geographically limited coverage area to a second portable electronic device and displaying a new message, reply, and/or a comment in the virtual noticeboard. The first electronic device is portable user equipment in a mobile telephone system. This has the advantage of ease of use of the virtual noticeboard, e.g., enabling communication among several users and faster response time (see page 2, lines 10-12).

The Examiner's clear error is that there is no disclosure in either Wynblatt or Minneman of a telephone system. Thus even when the references are combined, the result is not the claimed invention.

Further, Wynblatt does not disclose that the first device is portable user equipment in a mobile telephone system as recited in the independent claims. In fact, Wynblatt does not disclose anything on the real implementation of the transmitter. The portions quoted by the Examiner merely disclose that the local agent (with the transmitter) is mobile. Previously enclosed is a definition of "mobile" from Webster's New Twentieth Century Dictionary of the English Language unabridged, second edition, J. L. McKechnie, Simon And Schuster. Basically it means "moveable". This is quite far from disclosing the presently claimed use of the portable, i.e., capable of being carried (see enclosed definition of "portable"), user equipment in a mobile telephone system. The

transmitter could well be an ordinary transmitter, which is too large to be carried; it could even operate at a frequency different from that of a mobile telephone system.

As the Examiner correctly states, neither does Wynblatt disclose such a virtual noticeboard that is capable of displaying a new message, a reply and/or a comment from another electronic device as recited in the independent claims. The virtual noticeboard of the present independent claims is implemented in the portable user equipment in a mobile telephone system. As the user equipment moves, the virtual noticeboard moves also. The context of the virtual noticeboard is transmitted within a geographically limited coverage area of the radio means of the user equipment. Figures 3 and 5 and the description on page 12, lines 1-15 and 21-34, discusses the meaning of the geographically limited coverage area: it is either the coverage of the short-range radio transceiver or a predetermined area within the mobile telephone system (such as a cell).

Even if the virtual noticeboard is located in the user equipment, it is to some degree public, depending on the choice of the user. Other users may see the virtual noticeboard, and they may interact with it by sending replies or comments, or even new messages (=notices).

Wynblatt certainly does not disclose such a flexible virtual noticeboard, enabling communication between several users. Wynblatt only discloses one-way advertising. While in Wynblatt the user may locate more information according to the received URL, this does not result in the virtual noticeboard of the presently claimed invention. Rather, it is just a mechanism advertising a WWW site.

Similarly, while Minneman does disclose mobile user equipment, it does not disclose portable user equipment.

Thus the combination of Wynblatt and Lutterbach does not result in the invention of the present independent claims.

Further, claims 22 and 50 recite the feature that the second portable electronic device may include contact information in the reply information to the first electronic device. In the last Office Action, the Examiner suggests that this is not novel on the basis of Wynblatt (column 5, line 63, - column 6, line 16). It is respectfully submitted that this portion does not make this feature known, as it is only disclosed therein that the mobile information terminal may send some parameters to Internet programs. As shown in Figure 2, the WWW server 42 is clearly not at the same location as the local agent 28.

For this additional reason, claims 22 and 50 are novel and unobvious over Wynblatt in view of Minneman.

Claims 14 and 42 are not unpatentable under 35 U.S.C. 103(a) over Wyblatt in view of Minneman and further in view of Emilsson.

Since Emilsson fails to disclose the above-discussed portable feature, the rejection of claims 14 and 42 should be withdrawn since combining it with the first two references does not result in the claimed invention.

Claims 21 and 49 are not unpatentable under 35 U.S.C. 103(a) over Wynblatt in view of Minneman and further in view Coad.

Coad also fails to disclose the above-discussed features. Thus combining it with the first two references does not result in the claimed invention. Hence the rejection of claims 21 and 49 should be withdrawn.

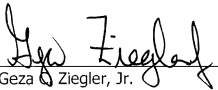
Claims 23 and 51 are not unpatentable under 35 U.S.C. 103(a) over Wynblatt in view of Minneman and further in view of Kailamaki.

Since Kailimaki fails to disclose the above-discussed portable feature, combining it with the first two references does not result in the claimed invention. Hence, the rejection of claims 23 and 51 should be withdrawn.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge the two month extension of time (\$450) as well as any other fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



Geza Ziegler, Jr.

Reg. No. 44,004

16 August 2007
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

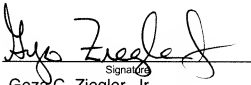
CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being transmitted electronically, on the date indicated below, addressed to the Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 16 August 2007

Signature:


Lisa Shimizu
Person Making Deposit

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 442-010440-US (PAR)													
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA on _____ Signature _____ Typed or printed name _____		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 5px;">Application Number 09/892,035</td> <td colspan="2" style="padding: 5px;">Filed 06/26/2001</td> </tr> <tr> <td colspan="4" style="padding: 5px;">First Named Inventor Koskinen</td> </tr> <tr> <td colspan="2" style="padding: 5px;">Art Unit 2614</td> <td colspan="2" style="padding: 5px;">Examiner Elahee, MD S</td> </tr> </table>		Application Number 09/892,035		Filed 06/26/2001		First Named Inventor Koskinen				Art Unit 2614		Examiner Elahee, MD S	
Application Number 09/892,035		Filed 06/26/2001													
First Named Inventor Koskinen															
Art Unit 2614		Examiner Elahee, MD S													
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.															
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>44,004</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____															
		<div style="text-align: center;">  _____ Signature Geza C. Ziegler, Jr. _____ Typed or printed name (203) 259-1800 _____ Telephone number 16 August 2007 _____ Date </div>													
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.															
<input type="checkbox"/> *Total of _____ forms are submitted.															

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.